

# Calendar No. 1821

82D CONGRESS  
2d Session

SENATE

REPORT  
No. 1924

PAUL BUSBEY

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H. R. 3334]

The Committee on the Judiciary, to which was referred the bill (H. R. 3334) for the relief of Paul Busbey, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of the proposed legislation is to pay the sum of \$10,000 to Paul Busbey, of Wheeling, W. Va., in full settlement of all claims of said Paul Busbey, against the United States for personal injuries sustained as the result of an accident involving a United States Army truck, on July 30, 1941.

### STATEMENT

The bill was originally introduced for payment in the sum of \$50,000 which the House determined to be excessive, and passed the legislation in the sum of \$10,000. This amendment was also in accord with the opinion of the Department of the Army.

On July 30, 1941, an Army vehicle operated by a noncommissioned officer on official business was proceeding in an easterly direction on Georgia Route No. 63 at Ways Station, Ga. This vehicle was approaching the intersection on Highway 63 and United States Highway No. 17. The claimant was proceeding in a northerly direction on United States Highway No. 17 approaching the same intersection. At this intersection the stop sign required the driver on Georgia route, Highway 63, to stop before entering the intersection. In attempting to stop, the Army driver found that the brake pedal was stuck and in an attempt to apply the emergency brake the vehicle was unable to complete a right turn, and the collision between the two vehicles followed.

The Department of the Army states that the resulting injury to Mr. Busbey was not caused by any fault or negligence on either his part or on the part of the driver of the Army vehicle, but the accident was caused by a mechanical failure, the consequences of which the Department of the Army assumes the responsibility. The Department of the Army previously made an award of \$1,798.13 to the claimant in H. R. 1334, Seventy-eighth Congress, which did not adequately compensate him for the injury it now appears he received. The doctor's diagnosis is that the claimant's back is badly injured and to what extent its severity will increase in the future is unpredictable. In this connection the Department of the Army states as follows:

It now appears that the gravity of the injuries received by Mr. Busbey in this accident were not apparent at the time when he was examined by physicians immediately after the accident, but have now resulted in his being wholly incapacitated from pursuing any gainful occupation.

Study of the facts leads the committee to the conclusion that this is a meritorious claim, and it is therefore recommended that H. R. 3334 be considered favorably.

Additional facts relative to the claim appear in House Report 1858, Eighty-second Congress, which is hereby incorporated by reference.

